REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested.

Upon entry of this amendment, claims 1-3, 7-22, 26, and 28-30, as amended, will remain in the application.

Claim Rejections - 35 USC § 103

Claims 1-3, 7-22, 26, and 28-30 were rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over the combination of Suzuki et al. (U.S. Patent No. 6,227,968, hereinafter "Suzuki") and Nguyen (U.S. Patent No. 6,256,033).

Independent claims 1, 14, and 26 have been amended to recite that beat data is extracted from the audio data and that the specified time window in which a gesture should occur is based on the extracted beat data.

Suzuki does not teach extracting beat data from received audio data. Rather, beat (rhythm) data is associated with the audio (music) data in a table (col. 7, lines 46-50). Nguyen does not discuss utilizing audio data. Independent claim 28 already includes similar language in that the specified time window is related to extracted beat data. Accordingly, Applicants submit that claims 1, 14, 26, and 28, and their dependent claims are allowable.

Furthermore, Nguyen does not teach segmenting captured video data into a clip having a timing window corresponding to beat data or any other type of calculated data.

The Action states that Nguyen teaches segmenting video data into video clips based on a specified timing window citing col. 2, lines 23-25 and 28-34 and col. 3, lines 11-14. However, these portions of Nguyen only describe analyzing one frame at a

time.   Moreover, even if these portions of Nguyen suggest

analyzing multiple frames, there is still nothing in Nguyen that

teaches or suggests segmenting video data into video clips based

on a calculated timing window, let alone a timing window based

on beat data.   The only type of segmenting Nguyen teaches is

manually dictated ("the system determines the location of the

key points in a model representing the new gesture based on the

starting and ending times provided by the user" (emphasis added)

(col. 11, lines 23-26)).

Neither Nguyen nor Suzuki, either alone or in combination,

teach segmenting video data into video clips based on beat data

extracted from audio data.

Moreover, there is still no motivation to combine these

references.   The Action responds to Applicants' prior arguments

concerning the lack of motivation to combine by asserting that,

"Suzuki suggests full body gestures as a form of user input

(col. 1, lines 44-51)".   To the contrary, the cited portion of

Suzuki provides, "An object of the present invention, which has

been achieved in view of the foregoing, is to provide a dance

game apparatus which adopts a floor panel construction capable

of simulating rhythm sensations in time to the music and which

is powerful and creates rhythm sensations by using the entire

body and by performing stepping according to the contents which

are instructed in sequence, and to provide a step-on base which

is suitably used for the game."   (Emphasis added.)   As this

makes clear, Suzuki teaches a mechanical input system (the step-

on base) with which one can use the entire body to interact with

the game (i.e., jump up and down it).   This does not in any way

suggest using full body gestures as a form of user input.   Thus,

there is no motivation to combine Suzuki with Nguyen.

Accordingly, independent claims 1, 14, 26, and 28 are patentable. Dependent claims 2-3, 7-13, 15-22, and 27-30 are patentable based on the above arguments and their own merits.

It is respectfully suggested for all of these reasons, that the current rejection is totally overcome; that none of the cited art teaches or suggests the features which are now claimed, and therefore that all of these claims should be in condition for allowance. A formal notice of allowance is thus respectfully requested.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific issue or comment does not signify agreement with or concession of that issue or comment. Because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.
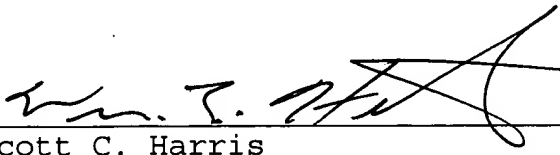
Enclosed is a $900 check for the Petition for Extension of Time fee and the RCE filing fee. Please apply any other necessary charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: October 4, 2004

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